

Article 14. Transportation of Groundwater to an Active Management Area

R12-15-1401. Definitions

In addition to the definitions provided in A.R.S. §§ 45-101 and 45-402, the following words and phrases in this Article shall have the following meanings, unless the context otherwise requires:

1. "AMA" means an active management area as defined in A.R.S. § 45-402.
2. "Annual transportation allotment" means:
 - a. With respect to an entity eligible to transport groundwater from the McMullen Valley basin, the annual transportation allotment for HIA Lands owned by the entity in the basin as determined by the director pursuant to R12-15-1403.
 - b. With respect to an entity eligible to transport groundwater from the Big Chino sub-basin, the annual transportation allotment for HIA Lands owned or leased by the entity in the sub-basin as determined by the director pursuant to R12-15-1405.
3. "Big Chino sub-basin" means the Big Chino sub-basin of the Verde River groundwater basin as designated by order of the director dated June 21, 1984.
4. "Depth-to-static water level" means the level at which water stands in a well when no water is withdrawn by pumping or by free flow.
5. "Documentary evidence" means correspondence, contracts, other agreements, aerial photography, affidavits, receipts or official records.
6. "Eligible irrigation acres" means acres of land in the Harquahala INA that the director has determined are eligible to be irrigated pursuant to A.R.S. § 45-437(B) and for which the director has issued a certificate of irrigation authority.
7. "Entity eligible to transport groundwater" means:
 - a. With respect to the Big Chino sub-basin, a city or town in the Prescott AMA.
 - b. With respect to the Harquahala INA, this state or a political subdivision of this state.
 - c. With respect to the McMullen Valley basin:
 - i. A city that purchased land before January 1, 1988 in the basin, or a city, town or private water company that purchased any of that land from that city.
 - ii. A person, as defined in A.R.S. § 45-553(D)(3), who purchased land before January 1, 1988 in the portion of the basin within Maricopa County, or a city, town or private water company that purchased any of that land from that person.
8. "Farm" means an area of land that is or was served by a common irrigation water distribution system.
9. "Harquahala INA" means the Harquahala irrigation non-expansion area as designated by order of the director dated June 24, 1982.

10. "HIA Land" means an area of land in the McMullen Valley basin or the Big Chino sub-basin specifically described by both a unique legal description and a county assessor's parcel number that has been determined to qualify as HIA pursuant to R12-15-1402 or R12-15-1404 or in a final written decision issued by the director prior to the effective date of this rule.
11. "Historically irrigated acres" or "HIA" means:
 - a. With respect to land in the McMullen Valley basin, land overlying an aquifer that was irrigated with groundwater from that aquifer at any time before January 1, 1988 and that either:
 - i. Was purchased by a city before January 1, 1988; or
 - ii. Is located in Maricopa County.
 - b. With respect to land in the Big Chino sub-basin, acres of land overlying an aquifer that were irrigated with groundwater at any time between January 1, 1975 and January 1, 1990.
12. "Initial AMA" means the Phoenix, Pinal, Prescott, Santa Cruz or Tucson active management area.
13. "Lease" means a written agreement by which the owner of land in the Big Chino sub-basin gives a city or town in the Prescott AMA the right to withdraw groundwater from the land for transportation to the Prescott AMA.
14. "McMullen Valley basin" means the McMullen Valley groundwater basin as designated by order of the director dated June 21, 1984.

R12-15-1402. Determination that Lands in the McMullen Valley Basin Qualify as HIA Lands

- A. An entity eligible to transport groundwater from the McMullen Valley basin may apply to the director for a determination that specific lands within a farm or portion of a farm in that basin qualify as HIA Land. The application shall be on a form prescribed by the director and shall include the following information:
 1. The name and address of the entity eligible to transport groundwater;
 2. The point of contact for the entity eligible to transport groundwater, including fax and telephone numbers and an e-mail address;
 3. The legal location of all lands for which an HIA determination is requested;
 4. The county assessor's parcel ID number for all lands for which an HIA determination is requested;
 5. For each individual legal location or county assessor's parcel ID number, the number of acres for which the applicant is requesting an HIA determination;
 6. A map that illustrates the location and size of all lands for which an HIA determination is requested;

7. If the applicant is a city that purchased the lands before January 1, 1988, a copy of the deed of conveyance demonstrating that the applicant purchased the lands prior to that date.
8. If the applicant is not a city and the applicant purchased the lands before January 1, 1988, a copy of the deed of conveyance demonstrating that the applicant purchased the lands prior to that date and that the lands are located in Maricopa County.
9. If the applicant did not purchase the lands before January 1, 1988, a copy of a deed of conveyance showing that the applicant purchased the lands from a city that purchased the lands before January 1, 1988 or, if the lands are located in Maricopa County, from a person who purchased the lands before January 1, 1988.
10. An identification of the years before January 1, 1988 that the lands were irrigated with groundwater withdrawn from the aquifer underlying the lands, if known, and for each of those years, the crop grown, the number of acres planted in each crop and the irrigation method utilized, if known;
11. The well registry number and legal location of all wells utilized to irrigate the lands, if known;
12. Documentary evidence supporting the application or an identification of any documentary evidence already in the Department's possession supporting the application;
13. The signature of an official representative of the entity eligible to transport groundwater, affirming that all information is true and correct to the best of the representative's knowledge; and
14. Any other information required by the director.

B. Upon receipt of a complete application filed pursuant to subsection (A) of this section, the director shall determine that lands identified in the application qualify as HIA Land if all of the following apply:

1. The lands are located in the McMullen Valley basin.
2. One of the following applies:
 - a. The applicant is a city that purchased the lands before January 1, 1988;
 - b. The applicant is not a city, the lands are located in Maricopa County and the applicant purchased the lands before January 1, 1988; or
 - c. The applicant is a city, town or private water company and the applicant purchased the lands from either:
 - i. A city that purchased the lands before January 1, 1988; or
 - ii. A person, other than a city, that purchased the lands before January 1, 1988 if the lands are located in Maricopa County.
3. Credible documentary evidence submitted with the application or otherwise obtained by the Department demonstrates that the lands were irrigated with groundwater from the aquifer underlying the lands at any time before January 1, 1988.

**R12-15-1403. Determination of Annual Transportation Allotment for
HIA Lands in the McMullen Valley Basin**

- A.** An entity eligible to transport groundwater from the McMullen Valley basin shall not transport any groundwater from the basin until the entity applies for an annual transportation allotment for the HIA Lands pursuant to subsection (B) this section and the director determines the allotment pursuant to subsection (D) of this section.
- B.** An entity eligible to transport groundwater from the McMullen Valley basin that owns HIA Lands in the basin may apply to the director for a determination of the annual transportation allotment for the HIA Lands. The application shall be on a form prescribed by the director and shall include the following information:
1. The name and address of the entity eligible to transport groundwater.
 2. The point of contact for the entity eligible to transport groundwater, including fax and telephone numbers and an email address.
 3. The legal location of all farms and portions of farms owned by the applicant in the basin.
 4. For each farm or portion of a farm identified in the application:
 - a. The number of acres of land within the farm or portion of a farm that the director has determined qualify as HIA Land, a copy of the director's determination, the legal location and county assessor's parcel number of the acres and a map that illustrates the location and size of the acres; and
 - b. The number of HIA within the farm or portion of the farm that have been retired from irrigation and the following evidence that the HIA have been retired from irrigation:
 - (i) Certification by the applicant that the HIA are not currently being irrigated with any water and that the HIA shall not be irrigated with any water while the applicant owns the land; and
 - (iv) A copy of a document recorded with the county recorder imposing a restrictive covenant on the land prohibiting the irrigation of the HIA with any water at any time in the future.
 5. For all HIA Land identified in subsection (B)(4) of this section, a copy of a deed of conveyance showing one of the following:
 - a. If the applicant is a city, that the applicant purchased the land before January 1, 1988; or
 - b. If the applicant is not a city, that the applicant purchased the land before January 1, 1988 and the land is located in Maricopa County; or
 - c. If the applicant is a city, town or private water company, that the applicant purchased the land from one of the following:

- i. From a city that purchased the land before January 1, 1988;
or
 - ii. From a person, other than a city, that purchased the land before January 1, 1988 and the land is located in Maricopa County.
 6. For each well to be used to withdraw the annual transportation allotment:
 - a. Whether the well is in existence or is proposed to be drilled;
 - b. If the well is in existence, the well registry number and the date the well was constructed;
 - c. The volume of groundwater proposed to be withdrawn for transportation purposes;
 - d. If the well will be used to withdraw groundwater for other, non-transportation uses:
 - (i) The annual amount of groundwater that will be withdrawn for such uses and whether the amount is an estimated volume or a measured volume; and
 - (ii) A description of the non-transportation uses from the well.
 - e. Whether the well is owned by the applicant or used pursuant to a contractual agreement; and
 - f. If the well was constructed after September 21, 1991 or is a proposed new well, evidence that the director approved an application to use the well to withdraw groundwater for transportation to an AMA pursuant to A.R.S. § 45-559 and R12-15-1305 in the amount specified in subsection (B)(6)(c) of this section.
- C. Upon receipt of a complete application filed pursuant to subsection (B) of this section for HIA Lands in the McMullen Valley basin, the director shall determine the annual transportation allotment for the HIA Lands as follows:
 1. Determine the number of HIA retired from irrigation within the HIA Lands identified in the application. The director shall determine that HIA has been retired from irrigation if the applicant submits the evidence listed in subsection (B)(4)(b) of this section for the HIA; and
 2. Multiply the total number of HIA determined in subsection (C)(1) of this section by three acre-feet per acre.
- D. After the director has determined the annual transportation allotment for HIA Lands owned by an entity eligible to transport groundwater from the McMullen Valley basin, the entity may apply to the director to modify the allotment by adding groundwater attributable to additional HIA Land that was not used to calculate the allotment pursuant to subsection (C) of this section. The application shall be on a form prescribed by the director and shall include the information required by subsection (B) of this section as it applies to the additional HIA Lands.

- E.** Upon receipt of a complete application filed pursuant to subsection (D) of this section for additional HIA Land in the McMullen Valley basin, the director shall modify the annual transportation allotment for HIA Lands owned by the applicant in the basin by adding to the allotment a volume of groundwater calculated by multiplying the number of HIA within the additional HIA Land by three acre-feet per acre.

R12-15-1404. Determination that Lands in the Big Chino Sub-basin qualify as HIA Lands

- A.** An entity eligible to transport groundwater from the Big Chino sub-basin may apply to the director for a determination that specific lands within a farm or portion of a farm in that sub-basin qualify as HIA Land. The application shall be on a form prescribed by the director and shall include the following information:
1. The name and address of the entity eligible to transport groundwater;
 2. The point of contact for the entity eligible to transport groundwater, including fax and telephone numbers and an e-mail address;
 3. The legal location of all lands for which an HIA determination is requested;
 4. The county assessor's parcel ID number for all lands for which an HIA determination is requested;
 5. For each individual legal location or county assessor's parcel ID number, the number of acres for which the applicant is requesting an HIA determination;
 6. A map that illustrates the location and size of all lands for which an HIA determination is requested;
 7. An identification of the years between January 1, 1975 and January 1, 1990 that the lands were irrigated with groundwater, if known, and for each of those years, the crop grown, the number of acres planted in each crop and the irrigation method utilized, if known;
 8. The well registry number and legal location of all wells utilized to irrigate the lands, if known;
 9. Documentary evidence supporting the application or an identification of any documentary evidence already in the Department's possession supporting the application;
 10. The signature of an official representative of the entity eligible to transport groundwater, affirming that all information is true and correct to the best of the representative's knowledge; and
 11. Any other information required by the director.
- B.** Upon receipt of a complete application filed pursuant to subsection (A) of this section, the director shall determine that the lands identified in the application qualify as HIA Land if credible documentary evidence submitted with the application or otherwise obtained by the Department demonstrates that the lands

were irrigated with groundwater at any time between January 1, 1975 and January 1, 1990.

**R12-15-1405. Determination of Annual Transportation Allotment for
HIA Lands in the Big Chino Sub-basin; modification of allotment**

- A.** An entity eligible to transport groundwater from the Big Chino sub-basin that owns or leases HIA Lands in the sub-basin shall not transport any groundwater from the sub-basin pursuant to A.R.S. § 45-555(A) through (D) until the director determines an annual transportation allotment for the HIA Lands pursuant to this section.
- B.** An entity eligible to transport groundwater from the Big Chino sub-basin that owns or leases HIA Lands in the sub-basin may apply to the director for a determination of the annual transportation allotment for the HIA Lands. The application shall be on a form prescribed by the director and shall include the following information:
1. The name and address of the entity eligible to transport groundwater.
 2. The point of contact for the entity eligible to transport groundwater, including fax and telephone numbers and an email address.
 3. The legal location of all farms and portions of farms owned or leased by the applicant in the sub-basin and a copy of a deed or lease agreement showing that the applicant owns or leases the land.
 4. For each farm or portion of a farm identified in the application:
 - a. The number of acres of land within the farm or portion of a farm that the director has determined qualify as HIA Land, a copy of the director's determination, the legal location and county assessor's parcel number of the acres and a map that illustrates the location and size of the acres; and
 - b. The number of HIA within the farm or portion of the farm that have been retired from irrigation and the following evidence that the HIA have been retired from irrigation:
 - (i) Certification by the applicant that the HIA are not currently being irrigated with any water;
 - (ii) If the applicant owns the land, certification by the applicant that the HIA shall not be irrigated with any water while the applicant owns the land;
 - (iii) If the applicant leases the land, a written agreement with the owner of the land providing that the HIA shall not be irrigated with any water while the owner owns the land; and
 - (iv) A copy of a document recorded with the county recorder imposing a restrictive covenant on the land prohibiting the irrigation of the HIA with any water at any time in the future.

5. For each well to be used to withdraw the annual transportation allotment:
 - a. Whether the well is in existence or is proposed to be drilled;
 - b. If the well is in existence, the well registry number and the date the well was constructed;
 - c. The volume of groundwater proposed to be withdrawn for transportation purposes;
 - d. If the well will be used to withdraw groundwater for other, non-transportation uses:
 - (i) The annual amount of groundwater that will be withdrawn for such uses and whether the amount is an estimated volume or a measured volume; and
 - (ii) A description of the non-transportation uses from the well.
 - e. Whether the well is owned by the applicant or used pursuant to a contractual agreement; and
 - f. If the well was constructed after September 21, 1991 or is a proposed new well, evidence that the director approved an application to use the well to withdraw groundwater for transportation to an AMA pursuant to A.R.S. § 45-559 and R12-15-1305 in the amount specified in subsection (B)(5)(c) of this section.
- C. Upon receipt of a complete application filed pursuant to subsection (B) of this section for HIA Lands in the Big Chino sub-basin, the director shall determine the annual transportation allotment for the HIA Lands as follows:
 1. Determine the number of HIA retired from irrigation within the HIA Lands identified in the application. The director shall determine that HIA has been retired from irrigation if the applicant submits the evidence listed in subsection (B)(4)(b) of this section for the HIA; and
 2. Multiply the total number of HIA determined in subsection (C)(1) of this section by three acre-feet per acre.
- D. After the director has determined the annual transportation allotment for HIA Lands owned or leased by an entity eligible to transport groundwater from the Big Chino sub-basin, the entity may apply to the director to modify the allotment by adding groundwater attributable to additional HIA Land that was not used to calculate the allotment pursuant to subsection (C) of this section. The application shall be on a form prescribed by the director and shall include the information required by subsection (B) of this section as it applies to the additional HIA Lands.
- E. Upon receipt of a complete application filed pursuant to subsection (D) of this section for additional HIA Land in the Big Chino sub-basin, the director shall modify the annual transportation allotment for HIA Lands owned or leased by the applicant in the sub-basin by adding to the allotment a volume of groundwater calculated as follows:

1. Determine the number of HIA retired from irrigation within the additional HIA Land identified in the application. The director shall determine that HIA has been retired from irrigation if the applicant submits the evidence listed in subsection (B)(4)(b) of this section for the HIA; and
2. Multiply the total number of HIA determined in subsection (E)(1) of this section by three acre-feet per acre.

R12-15-1406. Amount of Groundwater that May be Withdrawn from McMullen Valley basin by an Entity Eligible to Transport Groundwater; Wells from Which Groundwater May be Withdrawn

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R12-15-1407. Amount of Groundwater that May be Withdrawn from Big Chino Sub-basin Pursuant to A.R.S. § 45-555(A) through (D) by an Entity Eligible to Transport Groundwater; Wells from Which Groundwater May be Withdrawn; When Transportation May Commence

- A. An entity eligible to transport groundwater from the Big Chino sub-basin and that owns or leases HIA Lands in the sub-basin may withdraw from the land, as described in R12-15-1409, for transportation to the Prescott AMA pursuant to A.R.S. § 45-555(A) through (D), an amount of groundwater that does not exceed:
 1. In any year, two times the annual transportation allotment for the HIA Lands as determined by the director pursuant to R12-15-1405.
 2. For any period of ten consecutive years computed in continuing progressive series beginning in the year transportation of groundwater begins, ten times the annual transportation allotment for the HIA Lands as determined by the director pursuant to R12-15-1403.
- B. An entity eligible to transport groundwater from the Big Chino sub-basin shall withdraw the groundwater allowed under subsection (A) of this section only from the wells listed on the application filed pursuant to R12-15-1405, except that the entity may use another well to withdraw the groundwater if the entity notifies the director in writing prior to using the well for that purpose and includes the information listed in R12-15-1405(B)(5) for the well.
- C. An entity eligible to transport groundwater from the Big Chino sub-basin and that owns or leases HIA Lands in the sub-basin may commence transporting groundwater from the sub-basin at any time after the director determines the annual transportation allotment for the HIA Lands, except that the entity shall not commence transporting groundwater pursuant to an annual transportation allotment or modified annual transportation allotment in the year in which the

director determines the allotment if any of the HIA used to calculate the allotment were irrigated with any water in that year.

R12-15-1408. Application to Withdraw Groundwater from the Harquahala INA for Transportation to an Initial AMA; Determination by Director; Permit; Modification

- A.** Before withdrawing groundwater from the Harquahala INA for transportation to an initial AMA, an entity eligible to transport groundwater shall apply to the director for a permit to transport groundwater from the INA. The application shall be on a form prescribed by the director and shall include the following information:
1. The number and legal location of eligible irrigation acres owned by the applicant that the applicant requests to be included in the calculation of the amount of groundwater that the applicant may transport from the INA pursuant to A.R.S. § 554(B)(2)(a) and a copy of the certificate of irrigation authority issued by the Department for those acres;
 2. The following evidence that the eligible irrigation acres identified in subsection (A)(1) of this section have been retired from irrigation:
 - (i) Certification by the applicant that the acres are not currently being irrigated with any water and shall not be irrigated with any water while the applicant owns the land; and
 - (ii) A copy of a document recorded with the county recorder imposing a restrictive covenant on the land prohibiting the irrigation of the acres with any water at any time in the future.
 3. Whether this state or one or more political subdivisions of this state own eighty percent or more of the eligible irrigation acres in the INA;
 4. The number of years in which the applicant will withdraw groundwater from the INA, not to exceed one hundred years, and the annual amount of groundwater that will be withdrawn during that time;
 5. For each well to be used to withdraw the groundwater from the INA:
 - a. Whether the well is in existence or is proposed to be drilled;
 - b. If the well is in existence, the well registry number and the date the well was constructed;
 - c. The volume of groundwater proposed to be withdrawn for transportation purposes;
 - d. If the well will be used to withdraw groundwater for other, non-transportation uses:
 - (i) The annual amount of groundwater that will be withdrawn for such uses and whether the amount is an estimated volume or a measured volume; and
 - (ii) A description of the non-transportation uses from the well.
 - e. Whether the well is owned by the applicant or used pursuant to a contractual agreement;

- f. If the well was constructed after September 21, 1991 or is a proposed new well, evidence that the director approved an application to use the well to withdraw groundwater for transportation to an AMA pursuant to A.R.S. § 45-559 and R12-15-1305 in the amount specified in subsection (B)(5)(c);
 - 6. A hydrologic study, using a method of analysis approved by the director, demonstrating the depth-to-static water level at the locations where the groundwater will be withdrawn at the end of the 100-year period following the date of the application. The hydrologic study shall take into account the projected declines described in R12-15-716(B)(3);
 - 7/ If this state or one or more political subdivisions of this state do not own eighty percent or more of the eligible irrigation acres in the Harquahala INA:
 - a. A hydrologic study, using a method of analysis approved by the director, demonstrating the average annual rate at which the groundwater table will decline at the site or sites of the withdrawals during the one-hundred year period following the date of application, taking into account the projected declines described in R12-15-716(B)(3); and
 - b. If the applicant proposes to withdraw and transport more groundwater than the amount allowed by A.R.S. § 45-554(B)(2)(a), a hydrologic study, using a method of analysis approved by the director, demonstrating that the withdrawals in excess of that amount will not cause unreasonably increasing damage to residents of surrounding land and other water users in the Harquahala INA under the criteria set forth in R12-15-1305(B) or that actions taken or proposed to be taken by the applicant will mitigate the damage.
 - 8. If this state or one or more political subdivisions of this state own eighty percent or more of the eligible irrigation acres in the Harquahala INA and the depth-to-static water level at the locations where the groundwater will be withdrawn will be between 1,000 and 1,200 feet below land surface at the end of the 100-year period following the date of the application, a hydrologic study, using a method of analysis approved by the director, demonstrating that the withdrawals from a depth between 1,000 and 1,200 feet below land surface will not cause unreasonably increasing damage to residents of surrounding land and other water users in the Harquahala INA under the criteria set forth in R12-15-1305(B) or that actions taken or proposed to be taken by the applicant will mitigate the damage.
- B.** The director shall grant an application filed pursuant to subsection (A) for a permit to transport groundwater from the Harquahala INA if the director determines the following:
 - 1. If this state or one or more political subdivisions of this state do not own more than eighty per cent of the eligible irrigation acres in the INA, all of the following apply:

- a. The depth-to-static water level at the locations where the groundwater will be withdrawn will not exceed 1,000 feet below land surface at the end of the 100-year period following the date of the application, taking into account the projected declines described in R12-15-716(B)(3);
 - b. The groundwater table at the site or sites of the withdrawals will not decline more than an average of ten feet per year during the one-hundred year period following the date of application, taking into account the projected declines described in R12-15-716(B)(3); and
 - c. If the applicant proposes to withdraw more groundwater than allowed by A.R.S. § 45-554(B)(2)(a), the withdrawals in excess of that amount will not cause unreasonably increasing damage to residents of surrounding land and other water users in the Harquahala INA under the criteria set forth in R12-15-1305(B) or that the applicant has demonstrated that actions taken or proposed to be taken by the applicant will mitigate the damage.
 2. If this state or one or more political subdivisions of this state owns more than eighty percent of the eligible irrigation acres in the Harquahala INA, the depth-to-static water level at the locations where the groundwater will be withdrawn will not exceed the following maximum depth-to-static water level limits:
 - a. Except as provided in subsection (B)(2)(b), 1,000 feet below land surface at the end of the 100-year period following the date of the application, taking into account the projected declines described in R12-15-716(B)(3).
 - b. One thousand two hundred feet below land surface if the hydrologic study submitted by the applicant demonstrates that the withdrawals from a depth between 1,000 and 1,200 feet below land surface will not cause unreasonably increasing damage to residents of surrounding land and other water users in the Harquahala INA under the criteria set forth in R12-15-1305(B) or that actions taken or proposed to be taken by the applicant will mitigate the damage.
- C. If the director grants an application filed pursuant to subsection (A), the director shall issue a permit to transport groundwater to the applicant. The permit shall contain the following information:
1. The name of the entity to which the permit is issued;
 2. The point or points of withdrawal of groundwater pursuant to the permit;
 3. The amount of groundwater that may be withdrawn from each point of withdrawal;
 4. The duration of the permit; and
 5. Conditions on the permit authorized by law, including, if applicable, any requirement to mitigate damage to residents of surrounding land and other water users in the Harquahala INA.

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- D.** An entity eligible to transport groundwater from the Harquahala INA may apply to the director for a modification of a permit issued under this section. An application for modification of a permit shall be subject to the criteria listed in subsection (B) of this section.

R12-15-1409. Location Where Groundwater may be Withdrawn for Transportation

- A.** An entity eligible to transport groundwater from the McMullen Valley basin may withdraw the total amount of groundwater allowed under R12-15-1407 from any HIA owned by the entity in the basin.
- B.** An entity eligible to transport groundwater from the Big Chino sub-basin may withdraw the total amount of groundwater allowed under R12-15-1408 from any HIA owned or leased by the entity in the sub-basin.
- C.** An entity eligible to transport groundwater from the Harquahala INA may withdraw the total amount of groundwater allowed by the permit issued under R12-15-1409(C) from any eligible irrigation acres owned by the entity in the Harquahala INA.

R12-15-1410. Wells Used to Transport Groundwater; Well Spacing Requirements

- A.** An entity eligible to transport groundwater shall not use a well constructed after September 21, 1991 to withdraw groundwater for transportation to an initial AMA pursuant to A.R.S. §§ 45-552, 45-554 or 45-555(A) through (D) unless the entity applies to the director for approval and the director approves the use of the well for that purpose pursuant to the well spacing requirements set forth in R12-15-1305.
- B.** If an entity eligible to transport groundwater applies to the director to use a well constructed after September 21, 1991 for the withdrawal of groundwater for transportation to an initial AMA and the well also will be used to withdraw groundwater for another purpose, the director shall first determine the impacts of the withdrawals for the non-transportation purpose and then shall consider only the additional impacts of the proposed withdrawals for transportation when applying the well spacing criteria set forth in R12-15-1305(B).

R12-15-1411. Irrigation of HIA Land or Eligible Irrigation Acres Prohibited After Land has been Retired from Irrigation

- A.** HIA Land in the McMullen Valley basin or the Big Chino sub-basin shall not be irrigated with any water at any time after the land has been retired from irrigation pursuant to R12-15-1403(C) or R12-15-1405(C).

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- B.** Eligible irrigation acres in the Harquahala INA shall not be irrigated with any water at any time after the acres are identified in an application for a permit to transport groundwater from the INA pursuant to R12-15-1408 and are included by the director in calculating the amount of groundwater that may be transported by the applicant.